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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,211	10/01/2003	Chesley P. Dillon	GP-303949 2760/128	9698

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General Motors Corporation
Legal Staff, Mail Code 482-C23-B21
300 Renaissance Center
P.O. Box 300
Detroit, MI 48265-3000

EXAMINER

CAI, WAYNE HUU

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,211

Applicant(s)

DILLON, CHESLEY P.

Examiner

Wayne Cai

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 13, 2006 has been entered.

Response to Arguments

2. Applicant's arguments filed have been fully considered but they are not persuasive.

The Applicant argues that Webb fails to disclose "a call center facilitating communications to and from a mobile vehicle." The Applicant previously argued about "A call center", and the Examiner thoroughly explained in Office Action dated 12/12/2005. Again, the Examiner respectfully notes that a "call center facilitating communications to and from a mobile vehicle" is known in the art. Webb also teaches the same feature as claimed. Webb teaches or suggests a network based gift reminder and purchasing system and method. Specifically, Webb teaches a gift reminder which is considered as a call center. The gift reminder service center as disclosed has ability to remind the mobile device (i.e., facilitating communications to a mobile device), and

indeed, the user would be able to create an event reminder (i.e., facilitating communications from a mobile device.) Hence, it is clear that Webb teaches the claimed feature. Note, even though Webb does not specifically teach a mobile vehicle. However, Webb does teach a handheld and/or wireless mobile computing device such as a personal digital assistant or smart mobile phone (see paragraph 0025). Therefore, it is obvious to one skilled in the art to modify or use a personal digital assistant or smart mobile phone as one of the telematics unit as disclosed since it would be able to provide all the claimed functionalities.

The Applicant further argues that Webb does not disclose that the notification to the subscriber includes any instructions to perform an action. Again, the Examiner respectfully disagrees with this assertion because clearly Webb teaches at paragraph 0026 that "the user may receive a pop-up window notification on user interface 20 (on display 80 of stand alone system 70 or on network appliance 22) of upcoming event dates and associated gift ideas, as well as a link to gift reminder web site 48 and /or gift merchant web sites 34, 36 that sell gifts related to the gift idea." To notify the user on user interface of upcoming dates associated with gift ideas (i.e., a notification of an upcoming events), and to link to the merchant web sites is an action associated with the upcoming events. Furthermore, this event is set-up by the user and stored in the storage system to remind the user are other features taught by Webb.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Webb discloses a network based gift reminder and purchasing system and method; whereas, the Applicant claims the method and system notifying a subscriber of events. Clearly, Webb teaches a system and a method to notify user an upcoming event dates and associated gift ideas and link to the gift merchant web sites, see paragraph 0026, is indeed similar to the Applicant's invention. Even though, Webb is more specific about notifying a gift purchasing at a particular day and time, but it is an upcoming event that user needs a notification or a reminder. Hence, to apply Webb's invention against the present application is entirely appropriate.

Finally, the Applicant argues that Liao fails to teach or suggest that the action includes retrieving a stock quote for the predetermined stock at the predetermined time and providing the stock quote to the subscriber within a mobile vehicle using the text to speech synthesizer. The Examiner disagrees because in order to transmit the predetermined stock, it is known by one skilled in the art that the information must be retrieved from the information service provider before it could be transmitted to the user. Hence, since the Applicant admits that Liao teaches receiving predetermined stock; therefore, it is known that the action includes retrieving a stock quote.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb (US 2002/0143664 A1).

Regarding claims 1, 8, 14, Webb discloses a method, a computer usable medium, and a system for notifying a subscriber of events, comprising:

- receiving an subscriber event request at a call center (i.e., gift reminder service provider) (paragraphs 0027), wherein the call center is a telematics call center facilitating communications to and from a mobile vehicle (The Examiner notes that Webb discloses a gift service provider in which it does the same functions as the call center. Webb does not specifically disclose a mobile vehicle. Webb, however, discloses a mobile device in which it would be obvious to one skilled in the art to use the mobile device as in the mobile vehicle or embedded in vehicle).
- creating an event activation table based on the received subscriber event request (paragraphs 0028);
- sending the event activation table to an event table storage system (paragraph 0029, fig. 1, elements 42 & 44);

- sending a subscriber notification including an action associated with the event from the event table storage system in accordance with the event activation table using a wireless network (paragraph 0030).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb's method of reminding and purchasing gift and arrive at the present invention with a notification an event method because it solely relies on the design choices to make a more general notification system instead of a more specific system as disclosed by Webb.

Regarding claims 2, 9, 15, Webb discloses the method, computer usable medium, and the systems of claims 1, 8, and 14 as described above. Webb further discloses determining a current notification system activity (paragraphs 0029-0030), but except for disclosing suspending the current notification system activity for the duration of the subscriber notification, and resuming the current notification system activity upon termination of the subscriber notification. It is however obvious to one skilled in the art to include these features because during the process of notifying the current activity to user, the system should suspend and notify the particular activity; it then resumes the notification activity afterward for any other activity as needed.

Regarding claims 3, 10, and 16, Webb discloses the method, computer usable medium, and system of claims 1, 8, and 14 as described above. Webb further discloses wherein receiving the subscriber event request comprises: receiving at least one event with an associated notification date and time (paragraph 0032).

Regarding claims 4, 11, and 17, Webb also discloses the method, computer usable medium, and system of claims 3, 10, 16 as described above. Webb also discloses wherein creating the event activation table comprises: linking the received event and the associated notification date and time with an access identifier (i.e., login/password) (paragraph 0028).

Regarding claims 5, 12, Webb discloses the method, and computer usable medium of claims 1, and 8 as described above. Webb also discloses wherein sending the event activation table to the event table storage system comprises: establishing a data connection between the call center (fig. 1, elements 30, 42, and 46) and the event table storage system (element 76) and transmitting the event activation table from the call center to the event table storage system using the data connection (paragraph 0030; fig. 1 and its descriptions).

Regarding claims 6, 13, and 18, Webb discloses the method, computer usable medium, and system of claims 4, 11, and 17 as described above. Webb also discloses wherein sending the subscriber notification comprises:

- reading a time signal of a real time clock (paragraph 0032);
- determining when the time signal corresponds with at least one date and time from the event activation table (paragraph 0032);
- activating an event notification system based on the determination (paragraph 0032);
- providing the event in accordance with the linked access identifier (paragraphs 0033-0034).

Regarding claims 7, and 19, Webb discloses the method, and system of claims 1, and 14 as described above, except for disclosing wherein the event table storage system is a telematic unit (fig. 1, element 70, and its descriptions).

Regarding claim 20, Webb discloses the system of claim 14 as described above. Webb also discloses wherein the event notification system is a multimedia system (figs. 5 & 6).

Regarding claim 22, Webb discloses a method of notifying a subscriber of events, the method comprising:

- receiving, from a subscriber at a call center facilitating communications to and from a mobile device, at least one event and at least one action associated with the event (paragraph 0027);
- determining the event (paragraph 0029);
- transmitting a notification to the subscriber using a wireless network, the notification including instructions to perform action (paragraphs 0029-0030).

The Examiner further notes that gift reminder service provider as described in paragraphs 0027 is interpreted as wherein the call center is a telematics call center facilitating communications to and from a mobile vehicle. Webb discloses a gift service provider in which it does the same functions as the call center. Even though Webb does not specifically disclose a mobile vehicle. However, Webb teaches a mobile device in which it would be obvious to one skilled in the art to use the mobile device "inside" the mobile vehicle or embedded in the mobile vehicle.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb's method of reminding and purchasing gift and arrive at the present invention with a notification an event method because it solely relies on the design choices to make a more general notification system instead of a more specific system as disclosed by Webb.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webb in view of Robbins (US 2002/0029386 A1).

Regarding claim 23, Webb discloses the method of claim 22 as described above, except wherein the even is a traffic update at a predetermined time and the action includes tuning a radio receiver to a predetermined station.

In a similar endeavor, Robbins discloses a method of broadcasting data for programming a receiver. Robbins also discloses wherein the even is a traffic update at a predetermined time and the action includes tuning a radio receiver to a predetermined station (abstract, and paragraph 0204).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a traffic update only at a predetermined time so that user does not have to tune to a traffic channel at a certain time while driving.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webb in view of Robbins, and further in view of Liao (US 2003/0005466 A1).

Regarding claim 24, Webb, and Robbins disclose the method of claim 22 as described above, except wherein the even is a stock quote for a predetermined stock at a predetermined time, and wherein the action include retrieving a stock quote for the predetermined stock at the predetermined time and providing the stock quote to the subscriber within a mobile vehicle using a text to speech synthesizer.

However, Robbins discloses wherein providing weather report, news report, traffic report, etc. at a predetermined time. It is, therefore, obvious to one skilled in the art to modify Robbins' automatically provide predetermined stock quotes at the predetermined time.

In a similar endeavor, Liao discloses a content personalization system for mobile users. Liao also discloses wherein the event is a stock quote for a predetermined stock at a predetermined time, and wherein the action include retrieving a stock quote for the predetermined stock at the predetermined time (paragraph 0006) and providing the stock quote to the subscriber within a mobile device using a text to speech synthesizer (paragraphs 0053 & 0062; fig. 1, element 48). The Examiner also notes that even though neither Webb nor Liao discloses a mobile vehicle. It is however obvious to one skilled in the art to implement or embed a mobile device into a vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a stock quote at a predetermined time and use a text to speech conversion because it is more convenient for use to listen to the desired content while driving rather than stare at the display.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lueckhoff (US 2004/0082345 A1)

Sridhar et al. (US 2003/0208754 A1)


Hollenberg (US 6,091,956)

Demsky et al. (US 2004/0078436 A1)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday-Friday; 9:00-6:00; alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wayne Cai
Examiner
Art Unit 2617



ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER